

MHDH010008242026



Exh.No. 13 /A.

Presented on : 13.01.2026.

Registered on : 26.02.2026.

Decided on : 07.04.2026.

Duration : 00Y.01M.11D.

IN THE SESSIONS COURT, SESSIONS DIVISION, DHULE
AT – DHULE.

(Presided over by R. N. Hiwase)

Criminal Revision Application No.16/2026.

Jitendra Sahebrao Kakuste,
Age : 51 yrs., Occu. : Service,
R/o.: 1505, Pelican, Skylark Enclave,
Hiranandani Estate,
Thane (West).

.. Revision Petitioner.

Versus

1. The State of Maharashtra
Through : The Investigating Officer,
Shindkheda police station,
Shindkheda, Dist.Dhule.
2. Krishna Kumar Chaganlal More,
Age : 45 yrs., Occu. : Legal Practitioner,
R/o.: Vishwakarma Complex,
Datta Mandir, Deopur, Dhule.

.. Respondents.

For the Revision petitioner : Ld.Adv.Mr.U.V.Bodakhe.

For the Respondent No.1 : Ld.A.P.P Mr.G.Y.Patil.

For the Respondent No.2 : Ld.Adv.Mr.C.J.Suryawanshi.

JUDGMENT

(Delivered on 07th April, 2026)

The revision petitioner (original accused) has challenged the legality, propriety and correctness of order dated 06.05.2025 passed by the learned J.M.F.C., Shindkheda, in Criminal Miscellaneous Application No.50/2025, whereby the learned J.M.F.C. vide Section – 175(3) of the B.N.S.S. directed the P.S.O. of Shindkheda police station to register the F.I.R. and to conduct the investigation against the revision petitioner and others.

2. The brief facts of the revision application are that the respondent No.2 filed the above numbered application in the court of learned J.M.F.C., Shindkheda, for direction to the police to register the F.I.R. against revision petitioner and others and to conduct investigation. The respondent No.2 in the application alleged that accused No.1, in connivance with the revision petitioner and other officials of M.I.D.C., Dhules obtained the industrial plot No.T-16 admeasuring 12034 Sq.M. for the purpose of establishing Saiprabha Agro Industries. However, by hatching conspiracy and committing forgery in the record, the said plot was lateron transferred in the name of accused No.2

Big-B Properties Private Limited. The revision petitioner and other officials of M.I.D.C., Dhule illegally sanctioned the note of transfer of said plot. Thereafter, by making forgery in the record, the said plot was transferred in the name of accused Nos.1 to 7. The accused Nos.1 to 7 in connivance with the bank officials of the Indian Bank, Pune illegally got sanctioned the loan of Rs.9.90 crore on the said plot. It is alleged that the revision petitioner and other accused have committed forgery of record and misappropriation of the public money. Hence, the respondent No.2 filed application for the registration of crime.

3. The learned J.M.F.C. called the report of P.S.O., Nardana police station. The P.S.O. did not file report U/Sec.175(3) of B.N.S.S.. Hence, the learned J.M.F.C. proceeded with the application without the report of P.S.O.. The learned J.M.F.C. after hearing the respondent No.1, allowed the application and directed the registration of F.I.R. and investigation vide Section – 175(3) of the B.N.S.S. against the revision petitioner and others.

4. Aggrieved by the aforesaid order of registration of F.I.R. and investigation, the revision petitioner has filed this revision

application.

5. The learned advocate Mr. U. V. Bodakhe for the revision petitioner submits that the revision petitioner is a public servant and he has the statutory protection. He submits that as per Section – 175(3) of the B.N.S.S., the Magistrate is required to call the report of police officer of the concern police station. If the prospective accused is public servant, in that case, the Magistrate is required to issue notice to the said public servants and to call the report of his superior about the facts and circumstances of the incident. But, none of these mandatory pre-requisites have been followed or complied by the learned J.M.F.C.. The impugned order suffers from patent procedural irregularities. Therefore, the impugned order is liable to be set-aside qua the revision petitioner. One of the accused, a public servant aggrieved by the said order had filed revision and thereafter Criminal Writ Petition No.781/2025 in the Hon'ble High Court and her said writ petition is allowed. The case of revision petitioner is on the same footing. Hence, he is entitled for the parity. The revision petition may be allowed and the impugned order may be set-aside.

6. The learned A.P.P for respondent No.1 – State has supported the impugned order.

7. The respondent No.2 has also supported the impugned order. He submits that the revision petitioner and other officials of M.I.D.C. have forged the record and illegally transferred the plot in the name of accused Nos.1 to 7. He submits that there is also misappropriation of the public money by way of illegally obtaining the loan. He submits that his application discloses the commission of the cognizable offence. He submits that the learned J.M.F.C. has rightly directed the registration of F.I.R. and the investigation by police. He submits that the revision application may be dismissed.

8. The following points arise for my determination and I have given the findings thereon are as under.

	<u>POINTS</u>	<u>FINDINGS</u>
01.	Whether the impugned order dated 06.05.2025 passed by the learned J.M.F.C. Shindkheda in Criminal Misc. Application No.50/2025, directing the registration of F.I.R. against the revision petitioner, a public servant, without following the mandatory requirements	... Yes.

	of S.175(3) and S.175(4) of B.N.S.S. is illegal, improper and incorrect ?	
02.	What order ?	As per final order.

REASONS

As to Point No.1 :

9. In the case in hand, the co-accused by name Namrata Subhash Pawar went in a Writ Petition No.781/2025. The contentions in the said writ petition are on the same footing. The Hon'ble High Court, after elaborate discussion, held that there is serious breach on the part of the learned Magistrate ignoring the statutory provisions. The reasons discussed in this judgment by the Hon'ble High Court are also the reasons to be read in the present order. The principle of parity is applicable here.

10. So also, this court has decided the Criminal Revision Application No.25/2025, wherein, on the same grounds it is held that the registration of F.I.R. and police investigation against revision petitioner is illegal, improper and incorrect. Therefore, again the principle of parity is applicable here. For these reasons, I have answered Point No.1 in the affirmative. It is necessary to pass the same order which is passed in the

Criminal Revision Application No.25/2025 on the ground of parity. Therefore, I proceed to pass the following order.

ORDER

1. This revision application is partly allowed.
2. It is held that the impugned order dated 06.05.2025, passed by the learned J.M.F.C., Shindkheda, directing the registration of F.I.R. and the investigation by the police, is not legal, proper and correct to the extent of the revision petitioner for want of non compliance of Section – 175(3), 175(4)(a) and 175(4)(b) of the B.N.S.S..
3. The further proceeding/investigation of the crime pursuant to the registration of F.I.R. is hereby stayed to the extent of revision petitioner.
4. The revision petitioner is at liberty to file appropriate proceeding before the appropriate forum for quashing of F.I.R., if he desires.
5. Inform accordingly to the learned J.M.F.C., Shindkheda, the concerned Investigating Officer and P.S.O. of Shindkheda

police station with the copy of the present judgment and order.

[Judgment dictated and pronounced in open Court.]

(R.N.Hiwase)
Additional Sessions Judge
(Court No.5), Dhule.

Date : 07.04.2026.

X-X-

CERTIFICATE

I certify that the contents of this P.D.F. File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.
Name of the Court : Court of District Judge-5, Dhule
Judgment directly typed on : 07.04.2026.
dias computer.
Judgment checked and signed : 07.04.2026.
by Presiding Officer
P.D.F. Uploading Date : 07.04.2026.

Sd/- xxx
Stenographer(Grade-I)